

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1627

IN THE MATTER OF:

Served November 18, 1976

Application of IRA F. GADD T/A)
COLUMBIA TOURS for Certificate of)
Public Convenience and Necessity to)
Perform Commuter Operations)

Application No. 958

Docket No. 346

By Application No. 958, filed July 30, 1976, Ira F. Gadd trading as Columbia Tours (Columbia) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform commuter operations. Columbia seeks authority to transport persons, over irregular routes, between the Burke Heights Subdivision in the Springfield area of Fairfax County, Virginia, and the District of Columbia, with intermediate stops in the Pentagon-Crystal City area of Arlington County, Virginia. 1/

Pursuant to Order No. 1596, served August 16, 1976, a public hearing was held on September 15, 1976. No formal party appeared in opposition. The description of Columbia's application in Order No. 1596 is incorporated herein by reference.

The Commission previously has considered the fitness of Ira F. Gadd to conduct transportation operations within the Metropolitan District. In Order No. 1575, served June 25, 1976, the Commission denied Columbia's Application Nos. 878 and 879 because Gadd trading as Columbia was found to be unfit. However, as set forth in the concurring opinion of Judge Preston C. Shannon to that Order, the critical question relating to any applicant's fitness is the applicant's attitude toward the regulatory scheme. In the instant proceeding, Ira F. Gadd has indicated an intention to conform to the regulatory scheme and to conduct the proposed commuter service in a manner consistent with the provisions of the Compact and the requirements of the Commission's Rules and Regulations. Accordingly, the Commission initially finds that Ira F. Gadd trading as Columbia, applicant herein, is not barred on the basis of the prior finding as to fitness from seeking a certificate of public convenience and necessity authorizing the proposed commuter service.

1/ Commission Order No. 1596, served August 16, 1976, stated that no consideration would be accorded the proposed service between the Burke Heights Subdivision and the Pentagon-Crystal City area. See Compact, Title II, Article XII, Section 1(b).

Gadd trading as Columbia is a sole proprietorship. Columbia currently holds authority from the Commonwealth of Virginia State Corporation Commission. That Commission has authorized Columbia to transport "special or charter" parties from the cities of Alexandria, Fairfax and Falls Church to the Counties of Arlington and Fairfax and is limited to the use of one 45-passenger motor vehicle only. That Commission also has authorized Columbia to operate as a sightseeing carrier, over regular routes, from the cities of Alexandria, Fairfax or Falls Church or the Counties of Arlington or Fairfax. The points served on the regular routes include the Iwo Jima Memorial, the Arlington National Cemetery, Alexandria, Mount Vernon, Woodlawn, Pohick Church, Gunston Hall, and the Manassas Battlefields. Columbia currently owns and operates one 15-passenger van in that service. As part of its application, Columbia filed a financial statement for Gadd as of July 1, 1976. That statement indicates the total value of the proprietorship to be \$32,867.74.

Columbia sponsored the testimony of several potential passengers at the public hearing. These persons stated that they live in the area referred to by the applicant as Burke Heights Subdivision in the Springfield area of Fairfax County, Virginia, and work in the District of Columbia. The Burke Heights Subdivision is located adjacent to Old Keene Mill Road, Virginia Route 644, and Lee Chapel Road, Virginia Route 643, and has approximately 600 residential homes located therein. The present mode of commuting to and from work requires these individuals to travel by private conveyance approximately three miles from the entrance of the Burke Heights Subdivision at the intersection of Old Keene Mill Road and Shiplett Boulevard to the intersection of Old Keene Mill Road and Rolling Road, Virginia Route 638. At that point, public bus transportation is available to points in the District of Columbia. According to a witness who is a member of the Executive Committee of the Burke Heights Community Association, the public bus transportation is not routed along Old Keene Mill Road between Rolling Road and Shiplett Road because the provider of public bus transportation has refused to extend service until that highway is improved by the Commonwealth of Virginia in 3 to 5 years.

The witnesses supporting Columbia's application indicated that their primary interest was the institution of commuter bus service which would not require them to travel by private conveyance to a boarding point for bus transportation. In addition, the witnesses stated that the scheduled times and the fares to be charged would be comparable to the public bus transportation. However, as a result of the proposed service being provided in the Burke Heights Subdivision, the total time spent in commuting would be significantly reduced.

Columbia also submitted as correspondence approximately 120 postcard responses to a letter circulated by Gadd proposing commuter bus service. These cards indicate that residents of the Burke Heights Subdivision area would be receptive to the proposed commuter bus service. Columbia proposes to use the information on these cards to formulate the route to be followed and the times for the service.

Columbia proposes to operate two motor coaches between the Burke Heights Subdivision and the District of Columbia. The motor coaches would be designed to have seating capacity for 45 passengers or more. The route within the Burke Heights Subdivision would originate at the intersection of Old Keene Mill Road and Lee Chapel Road and would proceed along Lee Chapel Road to the intersection of Carella Avenue, then along Carella Avenue to the intersection of Shiplett Boulevard, then along Shiplett Boulevard to the intersection of Andromeda Drive, then along Andromeda Drive to Shiplett Boulevard, and then along Shiplett Boulevard to the intersection of Old Keene Mill Road. From that point, Columbia would transport passengers to the District of Columbia. The route within the District of Columbia would proceed from the Rochambeau Bridge to the Southwest Freeway, to Sixth Street, S. W., to Independence Avenue, to Fourteenth Street, to K Street, to Eighteenth Street, N. W. The return trip would follow these routes in the reverse direction. The morning service from the Burke Heights Subdivision would commence at 7 A. M., and 7:30 A. M., and the evening service from the District of Columbia would commence at 4:40 P. M., and 5:15 P. M.

Columbia has proposed three separate rates for the transportation service. A monthly rate of \$38 would apply to each calendar month and entitle a person to transportation on any trip. A weekly rate of \$10 apparently would entitle a person to round-trip transportation during the appropriate week. A person using the proposed transportation service also could pay a \$1.25 one-way fare. Columbia has stated that persons under 5 years of age when accompanied by an adult passenger (any person 12 years or older) and not occupying seats to the exclusion of farepaying passengers would not be charged and that persons between the ages of 5 and 12 years would be charged one-half the adult fare. The actual amount to be used for one-half the adult one-way fare of \$1.25 would be \$.65.

Columbia submitted a statement projecting revenues and revenue deductions to be derived from the proposed commuter service for a one-year period. The statement is based upon a projected 260 round-trips per year with an average of 44 passengers per trip. The revenue projection in the amount \$40,128 is based upon a monthly fare of \$38. The expenses for operations in the amount \$21,700 is based upon the use of two drivers at a total daily cost of \$46 plus the applicable payroll taxes and an estimated cost per mile to operate of \$0.40. The general and administrative expenses in the amount of \$13,902 is based upon an estimated \$1,000 per year payment for office expenses and \$12,902 in principal (\$6,863) and interest (\$6,039) payments on the intended purchase of the two motor coaches. The resulting net income before income taxes is projected to be \$4,526.

FINDINGS AND CONCLUSIONS

The findings to be made by the Commission, after hearing, with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. Essentially,

the Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations, and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity. In addition, approval by the Commission of the proposed tariff must be based on a finding that the tariff is just, reasonable, and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District. See Compact, Title II, Article XII, Section 6(a)(2).

The Commission finds that Columbia is fit, willing and able to perform the proposed commuter service. The Commission also finds that Gadd trading as Columbia would conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder.

With respect to the public convenience and necessity, the testimony of the witnesses supporting Columbia's application is a sufficient basis for finding that members of the public need and the public interest would be served by the operation of commuter service between the Burke Heights Subdivision and the District of Columbia. Accordingly, the Commission shall grant Columbia's Application No. 958 for a certificate of public convenience and necessity. However, the Commission shall require Columbia to file a route description, a schedule of service, and a list of stops prior to the issuance of a certificate of public convenience and necessity setting forth the precise regular route to be operated pursuant to the authority granted herein.

Since Columbia has not yet purchased the equipment with which to operate the service, the Commission shall require that the vehicles be seen and approved by the staff prior to the issuance of a certificate of public convenience and necessity.

The Compact requires each carrier to "file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). Columbia filed as part of its application a schedule of rates. The Commission shall approve the proposed rates as set forth hereinbefore.

With respect to the ratio of passengers to seats, the Commission's Regulation 66 provides, inter alia, that during rush hours the ratio shall not exceed 140 percent during any 30-minute period at the maximum load point on each individual line. Because of the limited number of schedules, the nature of the proposed equipment, and the distances involved, the Commission believes that the ratio should be 120 percent with respect to the

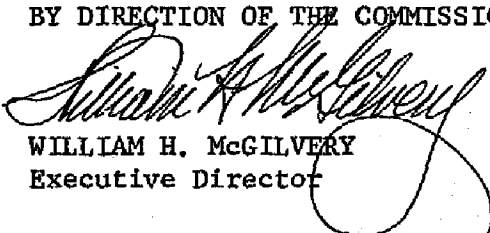
entire Burke Heights Subdivision commuter service authorized herein. Accordingly, the Commission shall prescribe the loading standards applicable to Columbia's operation pursuant to the authority herein granted.

The Commission has considered the other matters presented by the record but finds they do not warrant action contrary to that which is now directed.

THEREFORE, IT IS ORDERED:

1. That Application No. 958 of Ira F. Gadd trading as Columbia Tours be, and it is hereby, granted.
2. That Ira F. Gadd trading as Columbia Tours be, and it is hereby, directed to file two copies of WMATC Tariff No. 1 in accordance with the authority granted hereinbefore, such tariff to be effective upon acceptance by the Executive Director.
3. That Ira F. Gadd trading as Columbia Tours be, and it is hereby directed to file a complete and accurate written description of the route over which service is to be provided, a schedule of the time for such service and a list of stops to be served, such information to be effective upon the issuance of a certificate of public convenience and necessity.
4. That Ira F. Gadd trading as Columbia Tours advise the Executive Director of the Commission when the vehicles to operate the service have been delivered, titled, licensed, and inspected, so that such vehicles may be seen and approved by the staff prior to the issuance of a certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director